

Joseph V. Womack
Waller & Womack, P.C.
Suite 805 US Bank Building
303 North Broadway
Billings, MT 59101
Telephone: (406) 252-7200
Fax: (406) 252-4266
Email: jwomack@jvwlaw.com
Attorney No. 2641

Attorney for Trustee

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MONTANA**

In Re:

SCHNEIDER, JOHN HENRY

Case No. 14-61357-7

Debtor(s)

**APPLICATION TO APPROVE EMPLOYMENT OF ANDY PATTEN
AS CO-COUNSEL; AND AFFIDAVIT**

The Application of Joseph V. Womack, Trustee of the estate of the above-named Debtor(s), respectfully represents:

1. On December 4, 2014, Debtor filed a petition under Chapter 7 of the Bankruptcy Code.
2. Trustee wishes to employ Andy Patten, and the law firm of Patten, Peterman, Bekkedahl & Green, PLLP, ("Professional") as co-counsel for the administration of Adversary AP 15-00020, filed by Trustee for the denial of Debtor's discharge, as special counsel pursuant to 11 U.S.C. §327(c).
3. Trustee has selected Professional for the following reasons:
 - a. Professional is a qualified attorney admitted to the Bar and authorized to practice law in the state of Montana and the Bankruptcy Court. Professional is

experienced in matters such as the above-captioned bankruptcy and thoroughly familiar with the present proceedings.

- b. Trustee and his law firm, Waller & Womack, PC, have been hired as attorneys to represent the estate in the adversary proceeding. However, a global settlement appears unlikely and Trustee must prepare for the upcoming trial in just three short weeks. In order to represent the estate with respect to denial of Debtor's discharge, Trustee and his staff will need to testify at the discharge trial on several material facts. Co-Counsel will aid in trial preparations and question Trustee and his staff on the stand.

4. Professional is to be employed as special counsel pursuant to 11 U.S.C. 327(c). No actual conflict of interest exists between Professional and the Estate. Professional represents several creditors in this bankruptcy case, generally identified as the personal injury claimants. The interest of these creditors and the estate align with respect to the issuance of a bankruptcy discharge to the debtor.

5. The terms of employment of Andy Patten agreed to by the Trustee, subject to the approval of the Court are

- a. Fees: The payment for work performed with an hourly rate of \$330.00 per hour for attorney Andy Patten and \$125.00 per hour for paralegal April Boucher. Compensation will be based upon normal and usual hourly billing rates and will be presented to the Court with an accounting of the services rendered;
- b. Costs: Compensation for costs incurred, as necessary.
- c. Retainer: A retainer of \$ 0.00 has been paid to said professional.

6. Professional represents no interest adverse to Trustee or the estate in the matters

upon which he and his associates and employees are to be engaged, and his employment would be in the best interest of this Estate.

WHEREFORE, Trustee prays that the employment of Andy Patten under the terms specified, be approved by the Court.

DATED this 5th day of May, 2016.

WALLER & WOMACK, P.C.

By: /s/ Joseph V. Womack
Joseph V. Womack
Attorney for Trustee

AFFIDAVIT OF JAMES A. PATTEN

STATE OF MONTANA)
 : ss
County of Yellowstone)

JAMES A. PATTEN, being duly sworn upon his oath, deposes and states:

1. I am an attorney with the authority to practice law in the State of Montana and am currently employed as an attorney with the law firm of Patten, Peterman, Bekkedahl & Green, PLLP.

2. I am to be employed as special counsel pursuant to 11 U.S.C. 327(c). No actual conflict of interest exists between myself and the Estate. I represent several creditors in this bankruptcy case, generally identified as the personal injury claimants. The interest of these creditors and the estate align with respect to the issuance of a bankruptcy discharge to the debtor.

3. I represent no interest adverse to the Debtor or the estate in the matters upon which I am to be engaged.

4. I have received a general retainer in the amount of \$ 0.00 which shall not be used to pay any compensation or reimbursement of expenses without prior approval of this Court.

5. I/we declare under penalty of perjury that the foregoing is true and correct.

DATED this 5th day of May, 2016, in Billings, Yellowstone County, Montana.

PATTEN, PETERMAN, BEKKEDAH
& GREEN, PLLP

By: /s/ JA Patten
James A. Patten, Attorney